

REMARKS

Reconsideration and allowance are respectfully requested.

Claims 2-26 are pending. The compound of claim 25 was originally disclosed on page 8 of Applicants' specification. The present amendments are supported by that original disclosure. Note that the original linker between triazines is simplified as A in claims 2 and 25 as amended. Specific R₁, R₂, R₃, and X are supported by the disclosure of the original substituents on pages 8-11 of Applicants' specification. Therefore, no new matter is added by entry of the present amendments.

35 U.S.C. 112 – Definiteness

Claims 2-4 and 6-25 were rejected under Section 112, second paragraph, as allegedly "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Applicants traverse.

In claim 25, "B = 0" is deleted because this limitation is not required for patentability. The linker between triazines is simplified as "A" in the present claims. Definitions for "A" and "X" are separated by proper punctuation. Aromatic substituents are shown by replacing their chemical names with the proper chemical structures.

Dependency of claim 7 is proper after inserting --aminobenzyl-- in claim 25.

The Examiner's suggestion for amending claim 9 to replace "at least one" by the alternative --one or more-- is gratefully acknowledged. Adoption of his suggestion moots the last objection without changing the scope of the claims. Recitation of "comprised" permits other active ingredients to be included in the pharmaceutical composition.

Applicants request withdrawal of the Section 112, second paragraph, rejection because the pending claims are clear and definite.

35 U.S.C. 112 – Enablement

The Patent Office has the initial burden to question the enablement provided for the claimed invention. M.P.E.P. § 2164.04, and the cases cited therein. It is incumbent upon the Patent Office, whenever a rejection on this basis is made, to explain why it doubts the truth or accuracy of any statement in a supporting disclosure and to back up

assertions of its own with acceptable evidence or reasoning which is inconsistent with the contested statement. *In re Marzocchi*, 169 USPQ 367, 370 (C.C.P.A. 1971). Specific technical reasons are always required. See M.P.E.P. § 2164.04.

Claim 6 was rejected under Section 112, first paragraph, "because the specification, while being enabling for non covalent binding of compound of formula shown in claim 25 to antibodies does not reasonably provide enablement for covalent binding of compound of formula shown in claim 25 to antibodies." Applicants traverse.

Claim 6 requires that the compound can noncovalently bind to antibodies. The Examiner admits that noncovalent binding is enabled by Applicants' specification. Claim 6 also limits the compound of claim 25 because the latter is silent on the compound's ability to bind antibody. Nowhere in the present claims is there an assertion that any of the compounds can covalently bind to antibodies. There is no reason presented for the Examiner to speculate on other modes of binding antibody. On the contrary, the ability of a claimed compound to noncovalently bind antibody is not in dispute. Therefore, this objection is not germane to the present claims and has no basis.

Withdrawal of the enablement rejection is requested because it would not require undue experimentation for a person of skill in the art to practice the claimed invention.

Conclusion

Having fully responded to the pending Office Action, Applicants submit that the claims are in condition for allowance and earnestly solicit an early Notice to that effect. The Examiner is invited to contact the undersigned if additional information is required.

Respectfully submitted,

NIXON & VANDERHYTE P.C.

By: 

Gary R. Tanigawa
Reg. No. 43,180

901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100